

ZB# 05-21

Theresa Sweeney

85-1-1

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

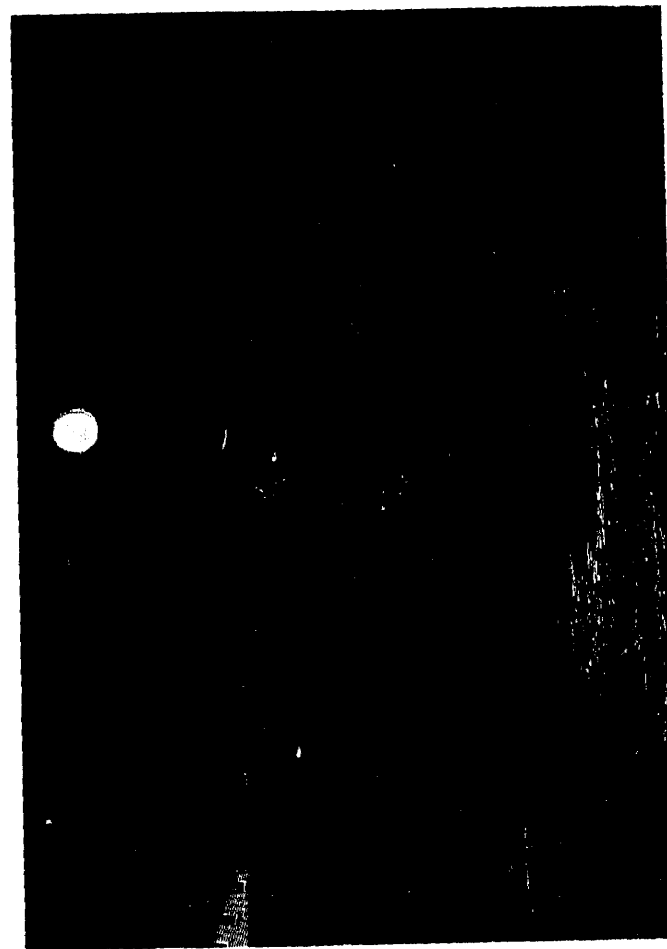
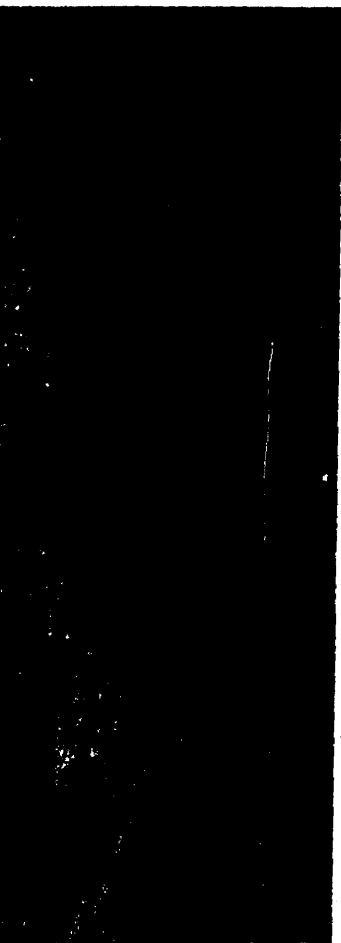
Granted 5/23/05

ZBA #05-21 THERESA SWEENEY
(AREA) 689 MT. AIRY RD (85-1-1)





ZBA #05-21 THERESA SWEENEY
(AREA) 689 MT. AIRY RD (85-1-1)



NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 85-1-1

In the Matter of the Application of

THERESA SWEENEY

**MEMORANDUM OF
DECISION GRANTING**

AREA

CASE #05-21

WHEREAS, Theresa Sweeney, owner(s) of 693 Mt. Airy Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 45,674 Minimum Lot Area and; 10 ft. Side Yard Setback (each side) for proposed single family dwelling at 693 Mt. Airy Road in an R-3 Zone (85-1-1)

WHEREAS, a public hearing was held on May 23, 2005 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Times Herald Record, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.
 - (b) This is a property that is the last of approximately thirteen lots in a subdivision previously approved by the Town of New Windsor Planning Board in which subdivision all of the roadways and utilities have been installed and twelve of the thirteen approved lots have been built upon.

- (c) The applicant seeks to construct a single-family house on the lot.
- (d) The applicant will not be removing any trees or substantial vegetation.
- (e) In constructing the premises, the applicant would not create the ponding or collection of water or divert the flow of water drainage.
- (f) The home to be placed on the property is approximately 2,000 square feet in size and will be consistent with the other homes and character of the neighborhood.
- (g) The lot was of an approved size at the time the subdivision was granted and only became nonconforming with the change in the Town Law in 2002, prior to which time the utilities and roadways had been placed on the premises and most, if not all, of the twelve other lots had been built upon.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

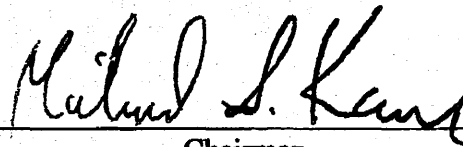
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a variance of 45,674 Minimum Lot Area and; 10 ft. Side Yard Setback (each side) for proposed single family dwelling at 693 Mt. Airy Road in an R-3 Zone (85-1-1) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: May 23, 2005

A handwritten signature in black ink, appearing to read "Michael S. Kemp", is written over a horizontal line.

Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

OFFICE OF THE ZONING BOARD OF APPEALS

August 23, 2005

Theresa Sweeney
689 Mt. Airy Road
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-21

Dear Ms. Sweeney:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: April 5, 2005

**APPLICANT: Theresa Sweeney
689 Mt. Airy Road
New Windsor, NY 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 4/4/05

FOR : Proposed one-family house

LOCATED AT: 693 Mt. Airy Rd.

ZONE: R-3 Sec/Blk/ Lot: 85-1-1

DESCRIPTION OF EXISTING SITE: Existing vacant lot

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Proposed one-family house does not meet minimum lot size of 80,000 sq. ft,**

COPY


BUILDING INSPECTOR

		PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE: R-3	USE: Bulk Tables			
MIN LOT AREA:	C-6	80,000 sq.ft.	34,326 sq.ft.	45,674 sq.ft.
MIN LOT WIDTH:				
REQ'D FRONT YD:				
REQ'D SIDE YD:	F-6	40'/80'	30'	10' each side
REQ'D TOTAL SIDE TD:				
REQ'D REAR YD:				
REQ'D FRONTAGE:				
MAX BLDG HT:				
FLOOR AREA RATIO:				
MIN LIVABLE AREA:				
DEV COVERAGE:				

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

Building Permit Tracking Log

Permit Application:

PA2005-192

Tax Parcel ID:

85-1-1

Application Date: **4/4/2005**

Type of Permit: **Residential One Family Dwelling**

Location of Property: **693 Mt Airy Rd**

Property Owner: **Sweeney, Theresa**

689 Mt Airy Rd

New Windsor, NY 12553

Occupant's Name:

Applicant's Name: **SWEENEY, THERESA**

Relation To Owner: **Owner**

Occupancy Class: **311**

Description of Work:

ONE FAMILY DWELLING

Comments: "

INSTALL HARD WIRED SMOKE DETECTORS 1-each BR - AND 1-each Room

15x14 ~~3,762 sq. ft~~
- 210
3,552 sq. ft

Building Permit Application Review Approvals

Review Type	Building Inspector	Date	Fire Inspector	Date

R3 Zone

ZBA

Need min.

80,000

sq. ft

***OK to go zoning**

4/5/05

**Needs WATER
SEWER or SEPTIC
DRIVEWAY
PERMITS**

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

APR 04 2005

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit # 43005-192

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Theresa Sweeney

Address 689 MT Airy Rd, New Windsor NY Phone # 845-567-1954 *Call*

Mailing Address 689 MT Airy Rd, New Windsor NY 12553 Fax # _____

Name of Architect _____

Address _____

Phone _____

Name of Contractor Leslie Sweeney

Address 689 MT Airy Rd, New Windsor NY 12553 Phone # 845-567-1954

State whether applicant is owner, lessee, agent, architect, engineer or builder Owner

If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

1. On what street is property located? On the Right side of MT Ding Rd
(N, S, E or W) 200 yds feet from the intersection of 94

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N ☒

3. Tax Map Description: Section 85 Block 1 Lot 1

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy NONE b. Intended use and occupancy House

5. Nature of work (check if applicable) ☒ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front 38' Rear 38' Depth 35' Height 36' No. of stories 3

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms 3 Baths 2 Toilets 3 Heating Plant: Gas _____ Oil ☒
Electric/Hot Air _____ Hot Water ☒ If Garage, number of cars 2

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost 150,000.00

Fee

\$50

Cash

OK ZONING BOARD

Allen 4-5-05 P.M.

PAID cash \$50

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK

date

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Thomas J.weeney
(Signature of Applicant)

689 MT Ainy Rd, New Windsor, NY, 12553
(Address of Applicant)

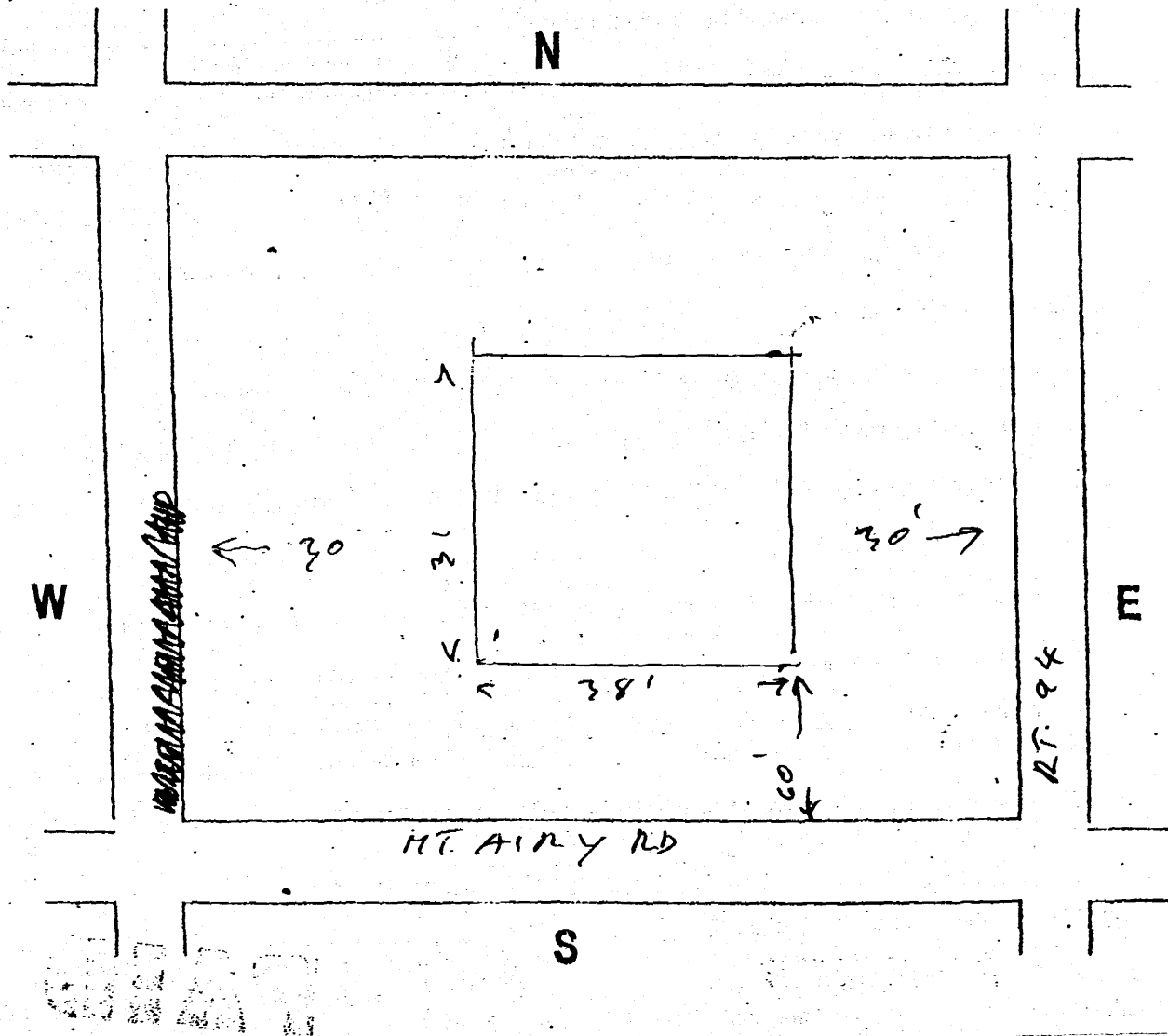
Thomas J.weeney
(Owner's Signature)

689 MT Ainy Rd New Windsor, NY, 12553
(Owner's Address)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



● PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

LOT
#13

302.63

NO PHYSICAL BOUNDS

308.74

**LOT
#2**

LOT
#1

AREA=34,326 SQ.FT.
=0.7880 ACRES

NO PHYSICAL BOUNDS

STONE WALL

N/F SMITH

FILED MAP

N86°12'44"E

M.H. 64.08' (MAP)
62.26' (ACT.)

87.36' (MAP)
89.39' (ACTUAL)

N06°07'10"W

N04°09'40"W

572.10.14"W

MT AIRY ROAD

TO DEAN HILL ROAD

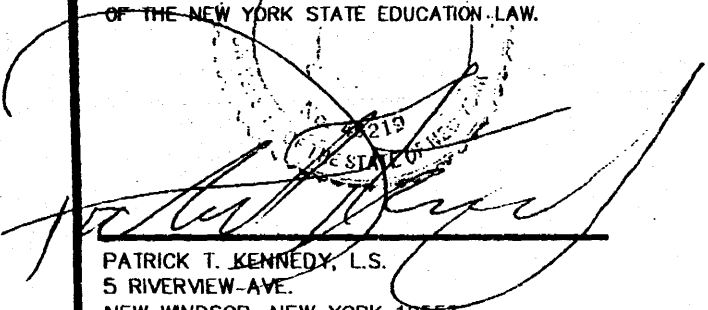
TO N.Y.S. RTE. 94

POLE

OVERHEAD UTILITY LINES

POLE

UNAUTHORIZED, ALTERATIONS OR ADDITIONS TO
A MAP BEARING A LICENSED LAND SURVEYORS
SEAL IS A VIOLATION OF SECTION 7209(2)
OF THE NEW YORK STATE EDUCATION LAW.


PATRICK T. KENNEDY, L.S.
5 RIVERVIEW-AVE.
NEW WINDSOR, NEW YORK 12553
LICENCE NO. 49219

CERTIFIED TO:

• THERESA SWEENEY

SURVEY OF LANDS
FOR

SWEENEY

LOCATED IN

TOWN OF NEW WINDSOR
ORANGE COUNTY NEW YORK

DATE: MARCH 12, 1999

SCALE: 1"=40'

Permit Number

MECcheck Compliance Report
New York State Energy Conservation Construction Code
MECcheck Software Version 3.3 Release 1c
Data filename: Untitled

Checked By/Date

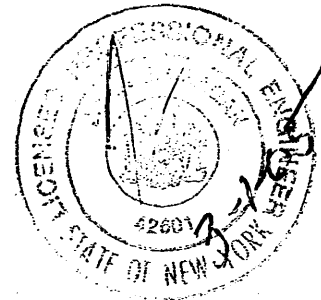
TITLE: Sweeny residence

COUNTY: Orange
STATE: New York
HDD: 5750
CONSTRUCTION TYPE: Detached 1 or 2 Family
HEATING TYPE: Non-Electric

DATE: 02/26/05
DATE OF PLANS: 3-1-05

PROJECT INFORMATION:
New

COMPANY INFORMATION:
New Windsor



COMPLIANCE: Passes

Maximum UA = 366
Your Home = 273
25.4% Better Than Code

	Gross Area or Perimeter	Cavity R-Value	Cont. R-Value	Glazing or Door U-Factor	UA
Ceiling 1: Flat Ceiling or Scissor Truss	1128	30.0	0.0		39
Wall 1: Wood Frame, 16" o.c.	2176	21.0	0.0		112
Window 1: Wood Frame, Double Pane with Low-E	171			0.400	68
Door 1: Glass	33			0.350	12
Floor 1: All-Wood Joist/Truss, Over Unconditioned Space	1111	25.0	0.0		42
Boiler 1: Other (Exept Gas-Fired Steam), 80 AFUE					

COMPLIANCE STATEMENT: The proposed building represented in this document is consistent with the building plans, specifications, and other calculations submitted with this permit application. The proposed systems have been designed to meet the New York State Energy Conservation Construction Code requirements. When a Registered Design Professional has stamped and signed this page, they are attesting that to the best of his/her knowledge, belief, and professional judgment, such plans or specifications are in compliance with this Code.

Builder/Designer

[Signature]

Date

MAR -1-05

Affidavit of Exemption to Show Specific Proof of Workers' Compensation Insurance Coverage for a 1, 2, 3 or 4 Family, Owner-occupied Residence

Under penalty of perjury, I certify that I am the owner of the 1, 2, 3 or 4 family, owner-occupied residence (including condominiums) listed on the building permit that I am applying for, and I am not required to show specific proof of workers' compensation insurance coverage for such residence because (please check the appropriate box):

- ☐ I am performing all the work for which the building permit was issued.
- ☐ I am not hiring, paying or compensating in any way, the individual(s) that is(are) performing all the work for which the building permit was issued or helping me perform such work.
- ☒ I have a homeowners insurance policy that is currently in effect and covers the property listed on the attached building permit AND am hiring or paying individuals a total of less than 40 hours per week (aggregate hours for all paid individuals on the jobsite) for which the building permit was issued.

I also agree to either:

- ♦ acquire appropriate workers' compensation coverage and provide appropriate proof of that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if I need to hire or pay individuals a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit; OR
- ♦ have the general contractor, performing the work on the 1, 2, 3 or 4 family, owner-occupied residence (including condominiums) listed on the building permit that I am applying for, provide appropriate proof of workers' compensation coverage or proof of exemption from that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if the project takes a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit.

Theresa Sweeney
(Signature of Homeowner)

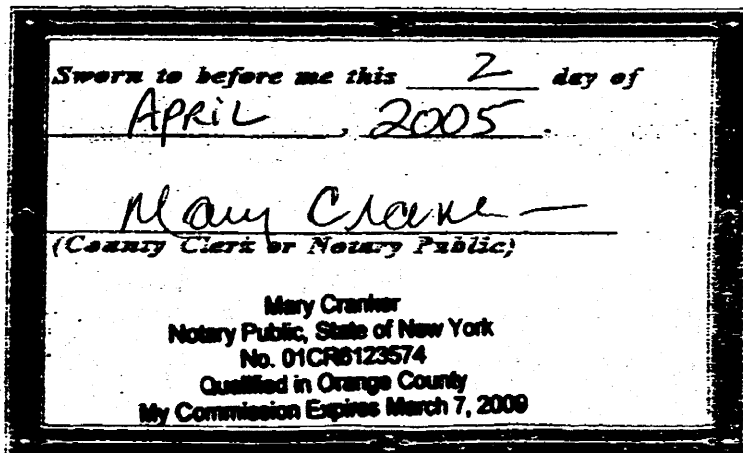
4/2/05
(Date Signed)

Theresa Sweeney
(Homeowner's Name Printed)

Home Telephone Number 845-567-1454

Property Address that requires the building permit:

691 MT Airy Rd
New Windsor, NY
12553



LAWS OF NEW YORK, 1998
CHAPTER 439

The general municipal law is amended by adding a new section 125 to read as follows:

125. ISSUANCE OF BUILDING PERMITS. NO CITY, TOWN OR VILLAGE SHALL ISSUE A BUILDING PERMIT WITHOUT OBTAINING FROM THE PERMIT APPLICANT EITHER:

1. PROOF DULY SUBSCRIBED THAT WORKERS' COMPENSATION INSURANCE AND DISABILITY BENEFITS COVERAGE ISSUED BY AN INSURANCE CARRIER IN A FORM SATISFACTORY TO THE CHAIR OF THE WORKERS' COMPENSATION BOARD AS PROVIDED FOR IN SECTION FIFTY-SEVEN OF THE WORKERS' COMPENSATION LAW IS EFFECTIVE; OR
2. AN AFFIDAVIT THAT SUCH PERMIT APPLICANT HAS NOT ENGAGED AN EMPLOYER OR ANY EMPLOYEES AS THOSE TERMS ARE DEFINED IN SECTION TWO OF THE WORKERS' COMPENSATION LAW TO PERFORM WORK RELATING TO SUCH BUILDING PERMIT.

Implementing Section 125 of the General Municipal Law

1. General Contractors and Business Owners

For businesses listed as the general contractors on building permits, proof that they are in compliance with Section 57 of the Workers' Compensation Law (WCL) is ONE of the following forms that indicate that they are:

- ♦— insured (C-105.2 or U-26.3),
- ♦— self-insured (SI-12), or
- ♦— are exempt (C-105.21),

under the mandatory coverage provisions of the WCL. Any residence that is not a 1, 2, 3 or 4 Family, Owner-occupied Residence is considered a business (income or potential income property) and must prove compliance by filing one of the above forms.

2. Owner-occupied Residences

For homeowners of a 1, 2, 3 or 4 Family, Owner-occupied Residence, proof of their exemption from the mandatory coverage provisions of the Workers' Compensation Law when applying for a building permit is to file form BP-1(3/99).

- ♦ Form BP-1(3/99) shall be filed if the homeowner of a 1, 2, 3 or 4 Family, Owner-occupied Residence is listed as the general contractor on the building permit, and the homeowner:
 - ◇ is performing all the work for which the building permit was issued him/herself,
 - ◇ is not hiring, paying or compensating in any way, the individual(s) that is(are) performing all the work for which the building permit was issued or helping the homeowner perform such work, or
 - ◇ has a homeowner's insurance policy that is currently in effect and covers the property for which the building permit was issued AND the homeowner is hiring or paying individuals a total of less than 40 hours per week (aggregate hours for all paid individuals on the jobsite) for the work for which the building permit was issued.
- ♦ If the homeowner of a 1, 2, 3 or 4 Family, Owner-occupied Residence is hiring or paying individuals a total of 40 hours or MORE in any week (aggregate hours for all paid individuals on the jobsite) for the work for which the building permit was issued, then the homeowner may not file the "Affidavit of Exemption" form, BP-1(3/99), but shall either:
 - ◇ acquire appropriate workers' compensation coverage and provide appropriate proof of that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit (the C-105.2 or U-26.3 form), OR
 - ◇ have the general contractor, (performing the work on the 1, 2, 3 or 4 family, owner-occupied residence (including condominiums) listed on the building permit) provide appropriate proof of workers' compensation coverage, or proof of exemption from that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: JULY 18, 2005
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 151.72 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #05-21

NAME & ADDRESS:

**Theresa Sweeney
689 Mt. Airy Road
New Windsor, NY 12553**

THANK YOU,

MYRA

L.R.7-18-05



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #05-21 TYPE: AREA TELEPHONE: 567-1954

APPLICANT:

Theresa Sweeney
689 Mt. Airy Road
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK #2129
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 2130



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$5.50 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>3</u>	PAGES	\$ <u>16.50</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>3</u>	PAGES	\$ <u>16.50</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date: 05-09-05 \$ 45.28

TOTAL: \$ 78.28 \$ 70.00



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 148.28

AMOUNT DUE: \$ _____

REFUND DUE: \$ 151.72

Cc:

L.R. 7-18-05

May 23, 2005

19

THERESA SWEENEY (05-21)

MR. KANE: Request for 45,674 minimum lot area and 10 ft. side yard setback each side for proposed single family dwelling at 693 Mt. Airy Road.

MR. KANE: Tell us what you want to do.

MS. SWEENEY: I want to build a house on that property, single family home

MR. BABCOCK: Mr. Chairman, this appears to be the last lot in the subdivision, the homes have been built fairly recent, I would say in the last three to five years

MS. SWEENEY: Yeah, last I think four years ago the last one was built.

MR. KRIEGER: How big was the subdivision approximately?

MR. BABCOCK: I think it was 13 lots total

MR. KRIEGER: All about the same size as this lot?

MR. BABCOCK: Exactly the same, this is a little shorter, it's on an angle, one lot is on an angle there.

MR. KANE: With the previous zoning regulations would they be here?

MR. BABCOCK: No.

MR. KRIEGER: This was a zoning subdivision approved by the planning board?

MR. BABCOCK: Yes, it was.

MR. KRIEGER: Pursuant to a plat?

MR. BABCOCK: Yes.

MR. KANE: Will you be cutting down any trees, substantial vegetation?

MS. SWEENEY: No, there's no trees there.

MR. KANE: Creating any water hazards or runoffs?

May 23, 2005

20

MS. SWEENEY: No.

MR. KANE: Going to be on town water and sewer?

MS. SWEENEY: Town sewer, well water.

MR. KANE: Won't be built over any easements on the property?

MS. SWEENEY: No.

MR. KANE: The size of the home is going to be similar to other homes that are in the neighborhood?

MS. SWEENEY: Yes.

MR. KANE: How big of a home is it going to be, do you know how many square feet?

MS. SWEENEY: Just under 2000.

MR. KANE: Any questions?

MS. GANN: No.

MS. LOCEY: No.

MR. REIS: No.

MR. KANE: I'll open the public portion of this hearing and ask if anybody's here for this particular meeting. Okay, seeing that there's nobody in the audience, Myra, how many did he have?

MS. MASON: On May 9, I mailed out 18 envelopes, had no response.

MR. KANE: No further questions, I'll accept a motion.

MS. GANN: I will offer a motion that we grant Theresa Sweeney her request for 45,674 minimum lot area and 10 foot side yard setback for each side for proposed single family dwelling at 693 Mt Airy Road in a R-3 zone.

MR. REIS: Second it.

ROLL CALL

May 23, 2005

21

MS. LOCEY
MS. GANN
MR. REIS
MR. BROWN
MR. KANE

AYE
AYE
AYE
AYE
AYE

THERESA SWEENEY (05-21)

Ms. Theresa Sweeney appeared before the board for this proposal.

MR. KANE: Request for 45,674 minimum lot area and 10 ft. side yard setback (each side) for proposed single family dwelling at 689 Mt. Airy Road. Tell us what you want to do.

MS. SWEENEY: Actually going to be 691, I live at 689.

MR. KANE: The building is going to be at 691?

MR. BABCOCK: How about 693?

MS. SWEENEY: I don't think so.

MR. BABCOCK: This is computer generated so I can tell you.

MS. SWEENEY: I live at 689, the lot is right adjacent so I figured it's 691.

MR. BABCOCK: This comes off the section, block and lot, so I would say 693 is correct and if it's not, we'll take care of it.

MR. KANE: Just so we get the notice correct. Tell us what you want to do.

MS. SWEENEY: Build a house.

MR. KANE: You want to build a single family home?

MS. SWEENEY: For myself to live in.

MR. KANE: How big is the home going to be?

MS. SWEENEY: 1,978, square feet.

MR. KANE: So it's not an overly big home?

MS. SWEENEY: It's a little smaller than my parents next door.

MR. KANE: Be cutting down a lot of trees and substantial vegetation?

MS. SWEENEY: There's no trees on the lot, it's bare except for some thorny bushes.

MR. KANE: Will you be creating any ponding of water on that piece of property?

MS. SWEENEY: No, it's on a hill.

MR. KANE: Creating any runoff or water hazards with the runoff?

MS. SWEENEY: Not that I know of, all the houses are on a hill.

MR. KANE: No easements going through but you're going to be on septic and well?

MS. SWEENEY: Well and septic, septic, sewer's there.

MR. BABCOCK: Ma'am, you can't hook up to the sewer in this area?

MS. SWEENEY: Sewer is there.

MR. BABCOCK: So it's going to be sewer?

MS. SWEENEY: Town sewer but well water.

MR. BABCOCK: Mr. Chairman, this is in a subdivision that was about 14 or 16 lots, something like that, I'm pretty sure this is the last lot that's left, every

house is built around it.

MR. KANE: Under the previous zoning, it wouldn't be as high as 45,000 square feet?

MR. BABCOCK: It was approved by the planning board so it was a legal lot until the zoning changed.

MR. MC DONALD: So the only reason they're here now is because of the zoning change?

MR. BABCOCK: The lot size then was 32,000, I don't know, 32,670, I think, and she had 34,326 so she met the zoning till it changed, the side yard's the same thing, used to be 20 foot now it's 40 foot.

MR. KANE: Okay, any other questions?

MS. GANN: No.

MS. LOCEY: No questions.

MR. KANE: I'll accept a motion.

MS. GANN: I'd like to offer a motion that we set up Theresa Sweeney for a public hearing for request for 45,674 minimum lot area and a 10 foot side yard setback for proposed single family dwelling at 693 Mt. Airy Road in an R-3 zone.

MR. MC DONALD: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE



RESULTS OF Z.B.A. MEETING OF: May 23, 2005

PROJECT: Theresa Sweeney ZBA # 05-21
P.B.#

P.B.# _____

USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M)_____S)_____ VOTE: A____N____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M)_____ S)_____ VOTE: A_____ N_____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

APPROVED: M)____S)____ VOTE: A____N____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M)___ S)___ VOTE: A___ N___

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y_____ N_____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M) G S) RS VOTE: A N .

GANN	A
LOCEY	A
BROWN	A
MCDONALD	
REIS	A
KANE	A

CARRIED: Y_____N_____.

[illegible]

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-X

THERESA SWEENEY

#05-21

X

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 91st day of MAY, 2005, I compared the 18 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason, Secretary

 day of , 20

Notary Public

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

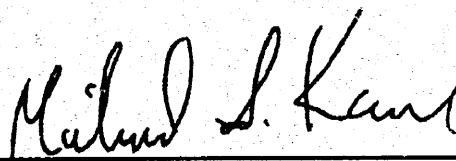
Appeal No. 05-21

Request of THERESA SWEENEY

for a VARIANCE of the Zoning Local Law to Permit:

Request for 45,674 Minimum Lot Area and; 10 ft. Side Yard Setback (each side) for proposed single family dwelling at 693 Mt. Airy Road in an R-3 Zone (85-1-1)

PUBLIC HEARING will take place on MAY 23, 2005
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, Chairman

TOWN OF NEW WINDSOR**ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 05-21

Request of THERESA SWEENEY

Request for a VARIANCE of the Zoning Local Law to Permit:

Request for 45,674 Minimum Lot Area and; 10 ft. Side Yard Setback (each side) for proposed single family dwelling at 693 Mt. Airy Road in an R-3 Zone (85-1-1)

PUBLIC HEARING will take place on MAY 23, 2005 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

MICHAEL KANE, CHAIRMAN

Ad Number: 1755280 Advertiser: NEW WINDSOR, TOWN

Phone: 8455634615 Sys No: 1194114 Caller: MYRA

INVOKING CUSTOMER:

Phone: 8455634615 Sys No: 1194114 AcctNo: P.O. No:

Name: NEW WINDSOR, TOWN Subscriber:

Address: ZONING AND PLANNING

555 UNION AVENUE

NEW WINDSOR NY 12553

ORDER:

Printed By: THRFODDRIL Date: 05/03/2005 Assigned Sales: TOWNOFNEWWINDSOR ZONINGBOARDOFAPPEALS P AdType: LINER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

NOTES:

Change Reason:

INSERTION:

Product: THN Paper: IN Class: 999X

Schedule: Start Date - 05/09/2005 End Date - 05/09/2005

Sort: TOWN OF NEW WINDSORZONING BOARD OF APPEA

PRODUCTION:

Text Size: 2 x 24.00 ProdType: ENTERPRISE ColorNo: 0 Colors:

Tearsheet: 1 Proofs: 0 Affidavits: 1 Alt Addr: N

PRICING:

Price: 45.28 Payment Method: B1 Amount Paid: 0 Amount Owed: 45.28

PriceMethod: 0 (0=Normal, 1=User Net, 2=System Gross) Rate Code: LEL

For fields listed below 0 = NO 1 = YES

Till Forbid: 0 Mult. Content: 0

RECEIVED

MAY 12 2005

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

April 21, 2005

Theresa Sweeney
689 Mt. Airy Road
New Windsor, NY 12553

Re: 85-1-1

ZBA#: 05-21 (18)

Dear Ms. Sweeney:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

65-1-57
Allan & Linda Reutershan
701 Mt. Airy Road
New Windsor, NY 12553 ✓

65-1-94
Sarjon, LLC
c/o Patriot North Management, Inc.
7 Sentry Driveg – Suite 201
Parsippany, NJ 07054 ✓

66-1-4
Franklin & Annabelle Smith
708 Mt. Airy Road
New Windsor, NY 12553 ✓

85-1-4
Christopher & Vicki Antonucci
681 Mt. Airy Road
New Windsor, NY 12553 ✓

85-1-9
Denise Horne
109 Dean Hill Road
New Windsor, NY 12553 ✓

85-1-12
Thomas & Connie Wagner
97 Dean Hill Road
New Windsor, NY 12553 ✓

65-1-60
John Desmond, Jr.
680 Mt. Airy Road
New Windsor, NY 12553 ✓

66-1-1 & 2
Michael Wygant
Christine Davis
615 Mt. Airy Road
New Windsor, NY 12553

85-1-2
Leslie & Elizabeth Sweeney
689 Mt. Airy Road
New Windsor, NY 12553

85-1-5
Joseph & Patricia Martellaro
679 Mt. Airy Road
New Windsor, NY 12553

85-1-10
Paul & Joan Haibon
105 Dean Hill Road
New Windsor, NY 12553

85-1-13.2
Marcel & Ada Gallo
93 Dean Hill Road
New Windsor, NY 12553

65-1-61.1
Entrusan Enterprises, Inc.
Route 94
New Windsor, NY 12553

66-1-3
Rita Harris
706 Mt. Airy Road
New Windsor, NY 12553 ✓

85-1-3
Bennett & Susan Roth
685 Mt. Airy Road
New Windsor, NY 12553 ✓

85-1-6
Jean Pierre
671 Mt. Airy Road
New Windsor, NY 12553 ✓

85-1-11
Daniel & Barbara Murphy
101 Dean Hill Road
New Windsor, NY 12553 ✓

85-1-14
Richard & Sharon Vanasco
113 Dean Hill Road
New Windsor, NY 12553 ✓

TOWN OF NEW WINDSOR

REQUEST FOR NOTIFICATION LIST

DATE: 04-18-2005 PROJECT NUMBER: ZBA# 05-21 P.B. # _____

APPLICANT NAME: THERESA SWEENEY

PERSON TO NOTIFY TO PICK UP LIST:

Theresa Sweeney
689 Mt. Airy Road
New Windsor, NY 12553

TELEPHONE: 567-1954

TAX MAP NUMBER:	SEC. <u>85</u>	BLOCK <u>1</u>	LOT <u>1</u>
	SEC. _____	BLOCK _____	LOT _____
	SEC. _____	B LOCK _____	LOT _____

PROPERTY LOCATION: 689 MT. AIRY ROAD
NEW WINDSOR

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
 (ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
 OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 2131

TOTAL CHARGES: _____



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

Apri. 29, 2005

Theresa Sweeney
689 Mt. Airy Road
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-21

Dear Ms. Sweeley:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Times Herald Record Newspaper for publication. **PLEASE NOTE: The charge for publication in the Times Herald Record will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

693 Mt. Airy Road
New Windsor, NY

is scheduled for the MAY 23, 2005 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



RESULTS OF Z.B.A. MEETING OF: April 25, 2005

PROJECT: Theresa Sweeney

ZBA # 05-21
P.B.# _____

USE VARIANCE: NEED: EAF _____ PROXY



LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

PUBLIC HEARING: M)_____ **S)**_____ **VOTE: A**____ **N**_____

APPROVED: M)____S)____ VOTE: A____N____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

GANN	_____	_____
LOCEY	_____	_____
RIVERA	_____	_____
MCDONALD	_____	CARRIED: Y_____N_____
REIS	_____	_____
KANE	_____	_____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) G S) MC VOTE: A 5 N 0

GANN	A
LOCEY	A
REIS	
MCDONALD	A
REIS	A
KANE	A

CARRIED: Y ✓ N

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____
VARIANCE APPROVED: M)____ S)____ VOTE: A__ N__.

GANN _____
LOCEY _____
RIVERA _____
MC DONALD _____
REIS _____
KANE _____

CARRIED: Y_____N_____.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the paper.



TOWN OF NEW WINDSOR

ZONING BOARD OF APPEALS Regular Session

Date: MONDAY – APRIL 25, 2005

AGENDA

7:30 p.m. – Roll Call

Motion to accept minutes of meetings as written.

PRELIMINARY MEETINGS:

1. **PAUL ETESS (05-19)** Request for 5' 6" Side Yard Setback for existing screen porch at 4 Lannis Avenue in an R-4 Zone (42-1-7)
2. **CATHERINE PERAINO (05-20)** Request for 17' Rear Yard Setback for existing addition at 275 Lake Road in an R-4 Zone (58-1-5)
3. **THERESA SWEENEY (05-21)** Request for 45,674 Minimum Lot Area and; 10 ft. Side Yard Setback (*each* side) for proposed single family dwelling at ~~629~~ ⁶⁹³ Mt. Airy Road in an R-3 Zone (85-1-1)
4. **ANGELA ODDO (05-22)** Request for:
5 ft. Rear Yard Setback for existing pool deck and;
17 ft. Side Yard Setback for existing house deck and;
7 ft. Side Yard Setback and 6 ft. Rear Yard Setback for exisiting shed;

All at 2 Mitchell Lane in an R-4 Zone (6-4-2)

PUBLIC HEARINGS:

5. **ALLEN DANTAS (05-14)** Request for 24,604 Minimum Lot Area for proposed Two-Family dwelling on Dean Hill Road in an R-3 Zone (65-1-50.3)
6. **JOHNATHAN GODFRY (05-10)** Requests variance for 5 feet side yard setback and; (300-11 A 1b & A 3) Accessory building to project nearer to the street than the principal building for proposed Storage Container at 271 Riley Road in an R-3 Zone (35-1-86.2)

FORMAL DECISION:

MARY BURTON 04-75



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

April 19, 2005

Theresa Sweeney
689 Mt. Airy Road
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-21

Dear Ms. Sweeney:

This letter is to inform you that you have been placed on the April 25, 2005 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

689 Mt. Airy Road
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 04-18-2005

FOR: ESCROW 05-21

FROM:


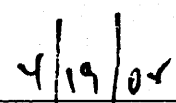
Theresa Sweeney
689 Mt. Airy Road
New Windsor, NY 12553

CHECK NUMBER: 2130

TELEPHONE: 567-1954

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

	
NAME	DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#345-2005

04/19/2005

Sweeney, Theresa

Received \$ 50.00 for Zoning Board Fees, on 04/19/2005. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

ZBA # 05-21 application fee



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

4/14/05
Date

Application Type: Use Variance ☐ Area Variance ☒
Sign Variance ☐ Interpretation ☐

I. Owner Information:

Phone Number: (845) 567-1954
Fax Number: ()
Theresa Sweeney
(Name)
689 MT Airy Rd, New Windsor, NY, 12553
(Address)

II. Applicant:

Phone Number: ()
Fax Number: ()
AS Above
(Name)

(Address)

III. Forwarding Address, if any, for return of escrow: Phone Number: ()

Fax Number: ()
AS Above
(Name)

(Address)

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number ()
Fax Number: ()
Lester Sweeney
(Name)
689 MT Airy Rd, New Windsor, NY, 12553
(Address)

V. Property Information:

Zone: R 3 Property Address in Question: 691 MT Airy Rd
Lot Size: 0.7880 acres Tax Map Number: Section 85 Block 1 Lot 1
a. What other zones lie within 500 feet? None
b. Is pending sale or lease subject to ZBA approval of this Application? NO
c. When was property purchased by present owner? yes
d. Has property been subdivided previously? yes If so, When: 7 Benedict Pond Estates
e. Has an Order to Remedy Violation been issued against the property by the may 22 1989
Building/Zoning/Fire Inspector? NO
f. Is there any outside storage at the property now or is any proposed? NO

******PLEASE NOTE:*******

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area	80,000 sq ft	34,326 sq ft	45,674 sq ft
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.	40' - 80'	30'	10' EACH side
Reqd. Rear Yd.			
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

I bought This Land 5 years
Ago so that I could build a home to live
IN. THE house is similar in size to the
other Houses in the Area on the same
size lots. on this section of the street

PLEASE NOTE:

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF
SUBMITTAL.**

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

The house will have a landscaped yard

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: **(each payable to the TOWN OF NEW WINDSOR)**
 - ☒ One in the amount of \$ 200.00 or 500.00 (escrow)
 - ☒ One in the amount of \$ 20.00 or 150.00 (application fee)
 - ☒ One in the amount of \$ 200.00 (Public Hearing List Deposit)
- ☒ **Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER - PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)**

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

16 day of April 2005.

Theresa Sweeney
Owner's Signature (Notarized)

Theresa Sweeney
Owner's Name (Please Print)

Mary Crank
Mary Crank
Notary Public, State of New York
No. 01CR8123574
Signature and Stamp of Notary Public in Orange County
My Commission Expires March 7, 2009

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE

4/25



TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)	
APPLICATION FEE:	\$ 25.00
*ESCROW:	\$ 25.00
**DEPOSIT FOR PUBLIC HEARING LIST:	\$ 25.00
MULTI-FAMILY: (Three Separate Checks Please)	
APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
**DEPOSIT FOR PUBLIC HEARING LIST:	\$ 25.00
COMMERCIAL: (Three Separate Checks Please)	
APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
**DEPOSIT FOR PUBLIC HEARING LIST:	\$ 25.00
INTERPRETATION: (Three Separate Checks Please)	
APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
**DEPOSIT FOR PUBLIC HEARING LIST:	\$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

ESCROW
IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

LIST OF PROPERTY OWNERS WITHIN 500 FT. RADIUS OF PROPERTY IN QUESTION:	
APPROXIMATE COST FOR PUBLIC HEARING LIST:	
1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00
ANYTHING OVER 100 NAMES IS \$1.00 EA. ADDITIONAL NAME	

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.